

**UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN MARIANA ISLANDS**

**CIVIL LOCAL RULES**



Effective  
January 1, 2004

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The Local Rules are numbered to correspond to the Federal Rules of Civil Procedure. For example, Fed.R.Civ.P. 7 deals with pleadings and form of motions and LR 7.1 *et seq.* are the Local Rules which address the court's requirements in addition to Fed.R.Civ.P. 7.

Note: The local civil rules shall be cited "LR \_\_\_\_."

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## **PREFACE**

### **STANDARDS OF PROFESSIONAL CONDUCT**\*

The following standards of practice are to be observed by attorneys appearing in this Court:

In fulfilling his or her primary duty to the client, a lawyer must be ever conscious of the broader duty to the judicial system that serves both attorney and client.

A lawyer owes to the judiciary candor, diligence and utmost respect.

A lawyer owes to opposing counsel a duty of courtesy and cooperation, the observance of which is necessary for the efficient administration of our system of justice and the respect of the public it serves.

A lawyer unquestionably owes to the administration of justice the fundamental duties of personal dignity and professional integrity.

Lawyers should treat each other, the opposing party, the Court, and members of the Court staff with courtesy and civility and conduct themselves in a professional manner at all times.

A client has no right to demand that counsel abuse the opposite party or indulge in offensive conduct. A lawyer shall always treat adverse witnesses and suitors with fairness and due consideration.

In adversary proceedings, clients are litigants and though ill feeling may exist between clients, such ill feeling should not influence a lawyer's conduct, attitude, or demeanor towards opposing lawyers.

Lawyers will be punctual in communications with others and in honoring scheduled appearances, and will recognize that neglect and tardiness are demeaning to the lawyer and to the judicial system.

If a fellow member of the Bar makes a just request for cooperation, or seeks scheduling accommodation, a lawyer will not arbitrarily or unreasonably withhold consent.

Effective advocacy does not require antagonistic or obnoxious behavior and members of the Bar will adhere to the higher standard of conduct which judges, lawyers, clients, and the public may rightfully expect.

\* These standards are incorporated into LR 1.5.

# I.

## Scope of Rules

### **LR 1.1 - Scope of the Rules.**

- a. Title and Citation. These Rules shall be known as the Local Rules of the United States District Court for the Northern Mariana Islands. They shall be cited as “LR \_\_\_\_.”
- b. Effective Date. These Rules become effective January 1, 2004.
- c. Scope of the Rules. These Rules shall apply in all proceedings in this court.
- d. Relationship to Prior Rules; Actions Pending on Effective Date. These Rules supersede all previous Rules promulgated by this court or any judge of this court. They shall govern all applicable proceedings brought in this court after they take effect. They shall also apply to all proceedings pending at the time they take effect, except to the extent that in the opinion of the court the application thereof would not be feasible or would work an injustice, in which event the former rules shall govern.
- e. Rule of Construction and Definitions.
  1. United States Code, Title 1, sections 1 to 5, shall, as far as applicable, govern the construction of these rules.
  2. The following definitions shall apply:
    - (a) The word “court” refers to the United States District Court for the Northern Mariana Islands, and not to any particular judge of the court.
    - (b) The word “judge” refers to any United States District Judge, or to a Designated Judge assigned pursuant to 48 U.S.C. § 1821(b)(2), or to a part-time or full-time United States Magistrate who exercises jurisdiction in a particular proceeding.
    - (c) The word “clerk” means the Clerk of Court or a Deputy Clerk for the U.S. District Court for the Northern Mariana Islands.



## **LR 1.2 - Availability of the Local Rules.**

Copies of these Rules, as amended and with any appendices attached hereto, are available (1) From the Office of the Clerk of Court, U.S. District Court for the Northern Mariana Islands, P.O. Box 500687, Saipan, MP 96950, for a reasonable charge to be determined by the clerk, or (2) From the court's web site: [www.nmid.uscourts.gov](http://www.nmid.uscourts.gov).

When amendments to these rules are proposed, notice of such proposals and of the ability of the public to comment shall be provided by public posting, as well as by notice to the Northern Mariana Islands Bar Association, the Guam Bar Association, and by posting on the bulletin board in the Office of the Clerk of Court. Fed.R.Civ.P. 83.

When amendments to these rules are made, notice of such amendments shall be provided to the Northern Mariana Islands Bar Association, the Guam Bar Association, by posting on the bulletin board in the Office of the Clerk of Court, and by posting them on the court's web site ([www.nmid.uscourts.gov](http://www.nmid.uscourts.gov)).

## **LR 1.3 - Sanctions.**

The court may sanction for violation of any local rule governing the form of pleadings and other papers filed with the court only by the imposition of a fine against the attorney or a person proceeding pro se.

## **LR 1.4 - Calendaring Conflicts.**

- a. Counsel's Duty to Notify Court. Within 48 hours of learning of a scheduling conflict between this court and any other court, counsel shall notify the presiding judge or a clerk of this court. The judge shall consider the following factors in resolving the conflict:
  1. Whether a case is criminal, with attendant speedy trial concerns, or civil;
  2. Whether out-of-town witnesses, parties, or counsel are scheduled to attend a case;
  3. Age of the case;

4. Which matter was set first; and,
5. Any other factor which weighs in favor of one court and case over the other.

**LR 1.5 - Standards of Professional Conduct.**

Every member of this court's bar and any attorney permitted to practice in this court under LR 83.5.d shall be governed by and shall observe the Model Rules of Professional Conduct of the American Bar Association as adopted in 1983 and as thereafter amended or judicially construed, these Local Rules, and this court's "Standards of Professional Conduct," supra.

## II.

### **Commencement of Action; Service of Process; Pleadings, Motions, and Orders**

#### **LR 3.1 - Civil Cover Sheet.**

Every complaint or other document initiating a civil action shall be accompanied by a completed civil cover sheet, on a form available from the clerk. This requirement is solely for administrative purposes, and matters appearing only on the civil cover sheet have no legal effect in the action.

If the complaint or other document is filed without a completed civil cover sheet, the clerk shall mark the document as to the date received and promptly give notice of the omission to the party filing the document. When the civil cover sheet has been completed, the clerk shall file the complaint or other document nunc pro tunc as of the date of the original receipt.

#### **LR 5.1 - General Format of Papers Presented for Filing.**

- a. Applicability of Rules and Effect of Noncompliance. These Rules apply in all proceedings. All pleadings presented at the clerk's office shall be accepted for filing; however, noncompliance with these Rules may subject a party to sanctions. Fed.R.Civ.P. 5(e).
- b. General Requirements. All pleadings, motions, and other papers presented for filing shall be on 8.5 x 11 inch white paper of good quality, with double-spaced numbering running the length of the left margin, flat and unfolded, and shall be plainly typewritten, printed, or prepared by a clearly legible duplication process, and double-spaced, except for quoted material. Each page shall be numbered consecutively.

This rule does not apply to: 1) exhibits submitted for filing; and, 2) documents filed in removed actions prior to removal from the Commonwealth courts.

The upper right-hand corner three inches of the first page of all papers shall be left blank for the clerk's use.

Unless otherwise required by this Rule, each page shall have a margin of not

less than 1.5 inches on the top, one inch on the bottom, one-half inch on the right hand margin, and one inch on the left hand side of the page.

This Rule shall not apply to forms furnished by the court.

- c. Citation Form. All citations shall be in a generally recognized form, enabling both the court and opposing counsel to locate the cited work.
- d. Cited Authority Not Available in the Court's Law Library. Parties shall provide the court and opposing counsel a copy of any case or other authority cited or relied upon which is not available in this court's law library.
- e. Original and Two Copies Required for Court; Copies for Three-Judge Panel. Counsel shall supply the court with an original and two copies of all papers filed. In a case with a three-judge panel, counsel shall supply the court with an original and four copies of all papers filed.
- f. Counsel Identification. The name, address, telephone number, and facsimile number of counsel (or, if in propria persona, of the party), and the specific identification of each party represented by name and interest in the litigation (i.e., plaintiff, defendant, etc.) shall appear in the upper left-hand corner of the first page of each paper presented for filing, except that in multi-party proceedings reference may be made to the signature page for the complete list of parties represented.
- g. Caption and Title.
  - (1) The title of the court shall be centered on the first page of all papers at least 1.5 inches from the top of the page.
  - (2) The title of the proceeding shall appear on the first page of all papers below the title of the court and to the left of the center of the page. In a complaint, the title of the proceeding shall contain the names of all parties. In all papers other than a complaint the title of the proceeding may be appropriately abbreviated.
  - (3) The file number of the proceeding; a designation of the proceeding (i.e., as civil, criminal, bankruptcy, etc.); and a title describing the paper(s) presented for filing shall appear on the first page of all papers

below the title of the court and to the right of the title of the proceeding.

- (4) Every pleading shall be specifically and particularly identified; e.g. “Plaintiff’s Opposition to Defendant’s Motion for Partial Summary Judgment.”

- h. After-Hours and Lunch Hour Filings. Filings may be submitted to the Clerk of Court for filing during non-work hours by placing them in the slotted drop-box in the main door at the Clerk’s Office. Only subsequent pleadings may be submitted for filing using the drop-box; new complaints, emergency matters, petitions for removal, sealed documents, and documents or administrative matters which require a fee payment (such as filing fees, payment of fines, or payment of restitution) cannot be filed using the drop-box. Likewise, documents filed in response to a court order setting a date and time certain for filing cannot be filed using the drop-box.

Documents placed in the drop-box after hours will be deemed filed as of the previous federal business day; documents placed in the drop-box during the lunch hour will be deemed filed the day they are deposited. NOTE: All documents must be served on opposing parties or counsel in accordance with the time frames provided by court order or in the Federal Rules of Civil Procedure.

The original and all necessary copies of subsequent pleadings such as answers, motions, etc. must be placed in a 9" x 12" or larger envelope. If the original and all copies cannot fit into one envelope, they must be placed in separate envelopes and numbered sequentially, with the total number of envelopes indicated; i.e. “1 of 3.”

- i. Hearing Date and Time Must Be Noted on All Filings for Which a Hearing Will Be Held. The first page of every motion, opposition, reply, or other filing directed to a matter for which a hearing will be held shall indicate the date and time of the hearing (e.g. “Defendant’s Opposition to Plaintiff’s Motion for Summary Judgment” and, below that, “Hearing: March 2, 2000, Time: 10:00 a.m.”). If the hearing date and time are not known to the filer at the time of the initial filing, the filer shall provide blank spaces for the information to be filled in.

### **LR 5.5 - Filing Facsimile Copies.**

Facsimile copies from attorneys whose main office is off-island or from local attorneys who are temporarily off-island may be accepted for filing provided the original thereof is mailed on the date of the facsimile transmission. The original shall be accompanied by a cover letter referring to the facsimile copy and its date of transmission.

A facsimile copy that is not an exact duplicate of the original is subject to being stricken on motion by the opposing party or upon an order of the court sua sponte. Sanctions may be imposed for filing an original which differs in any respect from the facsimile copy.

After a period of thirty days from the date of receipt of the original, which shall bear the same filing date as the facsimile copy, the clerk is authorized to remove from the court's file and discard the facsimile copy.

### III.

## Pleadings and Motions

NOTE: Motion practice is governed by Fed.R.Civ.P. 16 and LR 16. The following Local Rules apply generally; in case of a conflict with the Federal Rule and LR 16, the provisions of the Federal Rule control.

#### **LR 7.1 - Motion Practice.**

- a. Motion Day. Motion day shall be Thursday of each week. If a Thursday is a holiday the motion shall be calendared for the following Thursday. Unless the judge orders otherwise sua sponte or on motion, the clerk shall calendar motions in accordance with this Rule.

Oral argument is at the discretion of the court but will normally be heard unless the court enters an order indicating otherwise.

- b. Notice and Supporting Papers. Except as otherwise ordered or permitted by the judge, and except for application for a temporary restraining order, all motions, except those made during a trial or hearing, shall be noticed in writing on the motion calendar for hearing not less than twenty-eight (28) days after filing. Each notice of motion shall be accompanied, where appropriate, by affidavits or declarations under penalty of perjury sufficient to support any material factual contentions, and by an appropriate legal memorandum or brief, including, where appropriate, citations to these Rules. See LR 16CJ regarding deadlines established in the Case Management Order.
- c. Hearing Date; Opposition, and Reply.
  1. Hearing Date. Unless the party moves for a different hearing date, a motion will be heard on the fourth Thursday after it is filed, not including the Thursday or Friday of the week in which the motion is filed. (See below for an example.) The first page of every motion, opposition, and reply shall contain the date and time of the hearing.
  2. Opposition. Any opposition to the motion shall be filed and served by the close of business (3:30 p.m.) on the Thursday of the second full week after the week in which the motion was filed. The opposition

shall consist of a legal memorandum or brief and, when appropriate, affidavits or declarations under penalty of perjury. A party not opposing a motion shall file a statement of no opposition within the time provided above. Failure to file such a statement may be deemed an admission that the motion is meritorious.

3. Reply. The movant shall serve and file any reply to the opposition by the close of business (3:30 p.m.) no later than Thursday in the week following the week in which the opposition was filed.

(For example, if a motion is filed on Tuesday, the 2nd, the opposition would be due on Thursday, the 18th, the reply would be due on Thursday, the 25th, and the motion would be heard on the following Thursday. If a motion is filed on Thursday the 4th or Friday, the 5th, the opposition and reply would remain due on the dates given above.)

4. No Further Filings Allowed. No further filings or replies shall be accepted without leave having first been obtained from the court. Any filing made in violation of this rule shall be stricken on the court's own motion, without the necessity of a motion.

- d. Briefs and Memoranda: General Requirements and Sanctions. Briefs or memoranda supporting or opposing a motion shall not exceed twenty-five (25) pages in length. Reply memoranda shall not exceed ten (10) pages in length. A party wishing to exceed the page limit must first move to do so, without attaching the memorandum. If the motion is granted, the party shall then file its memorandum. Briefs or memoranda exceeding fifteen (15) pages shall have a table of contents and authorities cited.

Failure to file briefs or memoranda within the time deadlines prescribed above may subject a party to a motion for summary disposition. Failure to file and serve an opposing brief or memorandum may be deemed an admission that the motion is meritorious.

- e. Continuance of Scheduled Motions.

1. Continuances Sought More Than One Week Before Hearing Date. The moving party, or both parties by stipulation, may continue a scheduled hearing date on a motion at any time up to one week before



the scheduled hearing. The notice of continuance shall be in writing and shall indicate a new hearing date if the parties have continued the motion to a certain date.

2. Continuances Sought Within One Week of a Hearing Date. No motion may be continued within one week of the hearing date. Within one week of a scheduled hearing, the moving party may only remove its motion from the calendar upon written notice to the court. If movant wishes to have the motion heard at a later date, the motion must be re-filed and re-calendared in accordance with these Rules and the deadlines set in the Case Management Scheduling Order.

h. Extending, Increasing, or Shortening Time.

1. Stipulations Extending Time. Every proposed stipulation seeking an extension of time shall indicate on the face sheet the sequential number of the extension; e.g., “Second Stipulation Extending Time”. Each motion for an extension of time shall be accompanied by an affidavit setting forth the reasons for the extension and the effect, if any, the extension of time will have on other deadlines previously set, and an order on a separate, captioned pleading for the judge’s signature. The clerk shall submit the proposed extension and affidavit to the judge for disposition.
2. Applications for Increased Time. All applications for increases of time made by motion shall state (a) the total increase of time previously obtained by the parties, (b) the reason for the particular increase requested, and (c) the effect on other scheduled dates.
3. Ex Parte Applications.
  - (a) Upon satisfactory showing why the increase of time could not be obtained by stipulation or duly noticed motion, the court may grant ex parte an emergency increase sufficient to enable the party to apply for a further increase by stipulation or duly noticed motion. Any order granting an ex parte motion under this Rule shall be made subject to objections being filed by opposing counsel within the time provided by the court.

(b) Emergency and Ex Parte Motions. All ex parte motions shall comply with the following requirements:

1. Before filing the motion, the movant shall make every practicable effort to notify the clerk and opposing counsel, and to serve the motion at the earliest possible time.
2. Any motion under this Rule shall have a cover page bearing the legend “Emergency (or Ex-Parte, as the case may be) Motion Under Local Rule 7.1.h.3(b)” and the caption of the case.

A certificate of counsel for the movant, entitled “Certificate Pursuant to Local Rule 7.1.h.3(b),” shall follow the cover page and shall contain:

- (A) The telephone and facsimile numbers and office addresses of the parties;
  - (B) Facts showing the existence and nature of the claimed emergency or reason for ex-parte application; and
  - (C) When and how counsel for the other parties were notified and whether they have been served with the motion; or, if not notified and served, why that was not practicable.
4. Extension to Respond to Third Party Claims. Whenever a defendant causes a summons and complaint to be served pursuant to Fed.R.Civ.P. 14 upon a third person not yet a party to the action, no increase of time shall be granted to the person so served except by stipulation of all parties or upon motion duly noticed.
5. Order Shortening Time. Applications for orders shortening the time permitted or required by the Federal Rules of Civil Procedure for the filing of any paper or pleading or the doing of any act shall be supported by an affidavit stating the reasons therefor. When the application is made ex parte, the affidavit shall state the reason why a

stipulation could not be obtained from, or notice could not be given to, the opposing party.

- i. Failure to Comply With Time Limits. The court need not consider motions, oppositions to motions, or briefs or memoranda that do not comply with the time limits set forth in these Rules.

#### **LR 7.4 - Stipulations.**

A proffered stipulation shall contain, on a separate, captioned pleading, an order for the judge to sign. See also LR 7.1.h.1, supra.

#### **LR 15.1 - Form of a Motion to Amend and Its Supporting Documents.**

A party who moves to amend a pleading shall attach the original of the amendment, and two copies, to the motion. Any amendment to a pleading, whether filed as a matter of course or upon a motion to amend, must, except by leave of court, reproduce the entire pleading as amended, and may not incorporate any prior pleading by reference. A failure to comply with this rule is not grounds for denial of the motion, but may be grounds for imposition of sanctions.

#### **LR 16.2CJ - Case Management and Pretrial Conferences.**

- a. Definitions.
  1. “Differentiated Case Management” (“DCM”) is a system providing for management of cases based on case characteristics. This system is marked by the following features: during the Case Management Conference the court and attorneys for the parties review and screen the civil case and channel the case to processing “tracks” which provide an appropriate level of judicial, staff, and attorney attention; each track employs a case management plan tailored to the general requirements of similarly situated cases; and provision is made for the initial track assignment to be adjusted to meet the special needs of any particular case. See LR 16.2CJc, infra.
  2. “Case Management Conference” is the conference conducted by the judge within thirty (30) calendar days after the time for the filing of the last permissible responsive pleading where track assignment,

Alternative Dispute Resolution (“ADR”) and discovery are discussed, and where discovery and motion deadlines and the date of the status hearing are set. See LR 16.2CJe, infra.

3. “Status Conference” is the mandatory conference that is held approximately midway between the date of the Case Management Conference and the discovery cut-off date.
4. “Case Management Plan” (“CMP”) is the plan adopted by the judge at the Case Management Conference. The CMP shall include all matters set forth in Fed.R.Civ.P. 16(a), and may include all matters set forth in Fed.R.Civ.P. 16(c), as well as the determination of track assignments.
5. “Dispositive Motion” shall mean a motion to dismiss pursuant to Fed.R.Civ.P. 12(b), a motion for judgment on the pleadings pursuant to Fed.R.Civ.P. 12(c), a motion for summary judgment pursuant to Fed.R.Civ.P. 56, or any other motion which, if granted, would result in the entry of judgment or dismissal, would dispose of any claims or defenses, or would terminate the litigation.
6. “Discovery cut-off” is the date by which all responses to written discovery shall be due and by which all depositions shall be concluded. Counsel must initiate discovery requests and notice or subpoena depositions sufficiently in advance of the discovery cut-off date so as to comply with this rule, and discovery requests that seek responses or schedule depositions after the discovery cut-off are not enforceable except by order of the court for good cause shown. Notwithstanding the foregoing, a party seeking discovery will not be deemed to be in violation of the discovery cut-off if all parties consent to delay furnishing the requested discovery until after the cut-off date or if, for example, a deposition that was commenced prior to the cut-off date and adjourned cannot reasonably be resumed until an agreed date beyond the discovery cut-off; provided, however, that the parties may not, by stipulation and without the consent of the court, extend the discovery cut-off to a date later than ten (10) days before the Final Pretrial Conference. Other dates shall not be affected by agreements to extend the discovery deadline.

b. Assertive Judicial Management.

The judge shall manage the pretrial activity of the case through direct involvement in the establishment, supervision, and enforcement of a Case Management Plan. The judge shall:

1. Timely convene and conduct a Case Management Conference;
2. Assess the complexity of the case and the anticipated discovery attendant to the case, and in consultation with counsel for the parties implement a Case Management Plan which establishes deadlines, to the extent possible.

c. Tracks, Evaluation, and Assignment of Cases.

1. Number and Types of Tracks.

- (a) “Expedited” - Cases on the Expedited Track shall be completed within six (6) months or less after filing, and shall have a discovery cut-off no later than sixty (60) days prior to trial. Discovery guidelines for this track include interrogatories limited to fifteen (15) single-part questions; fifteen (15) requests for admission; depositions of the parties; depositions on written questions of custodians of business records for non-parties; no more than one (1) fact witness deposition per party without prior approval of the court; and such other discovery, if any, as may be provided for in the CMP.
- (b) “Standard” - Cases on the Standard Track shall be completed within twelve (12) months or less after filing, and shall have a discovery cut-off no later than sixty (60) days prior to trial. Discovery guidelines for this track include interrogatories limited to thirty (30) single-part questions; thirty (30) requests for admission; depositions of the parties; depositions on written questions of custodians of business records for non-parties; no more than three (3) fact witness depositions per party without prior approval of the court; and such other discovery, if any, as may be provided for in the CMP.

- (c) “Complex” - Cases on the Complex Track shall have the discovery cut-off established in the CMP and shall have a case completion goal of no more than eighteen (18) months. Discovery guidelines for this track include interrogatories limited to fifty (50) single-part questions; fifty (50) requests for admission; depositions of the parties; depositions on written questions of custodians of business records for non-parties; and such additional depositions and discovery to be set at the conference.
2. Evaluation and Assignment of Cases; Criteria. The court shall consider and apply the following factors in assigning cases to a particular track:
- (a) Expedited Track:
    - (1) Legal Issues: Few and clear
    - (2) Required Discovery: Limited
    - (3) Number of Real Parties in Interest: Few
    - (4) Number of Fact Witnesses: Up to five (5)
    - (5) Expert Witnesses: None
    - (6) Likely Trial Days: Less than five (5)
    - (7) Suitability for ADR: High
    - (8) Character and Nature of Damage Claims: Usually a fixed amount.
  - (b) Standard Track:
    - (1) Legal Issues: More than a few, some unsettled
    - (2) Required Discovery: Routine

- (3) Number of Real Parties in Interest: Up to five (5)
  - (4) Number of Fact Witnesses: Up to ten (10)
  - (5) Expert Witnesses: Two (2) or three (3)
  - (6) Likely Trial Days: Five (5) to ten (10)
  - (7) Suitability for ADR: Moderate to high
  - (8) Character and Nature of Damage Claims: Routine
- (c) Complex Track:
- (1) Legal Issues: Numerous, complicated, and possibly unique
  - (2) Required Discovery: Extensive
  - (3) Number of Real Parties in Interest: More than five (5)
  - (4) Number of Fact Witnesses: More than ten (10)
  - (5) Expert Witnesses: More than three (3)
  - (6) Likely Trial Days: More than ten (10)
  - (7) Suitability for ADR: Moderate
  - (8) Character and Nature of Damage Claims: Usually requiring expert testimony.
3. Evaluation and Assignment. The court shall evaluate and screen each civil case in accordance with this Section. The recommended track assignment will be sent to counsel with the notice of the Case Management Conference. At the Case Management Conference, after discussion with counsel, the court will assign the case to one of the case management tracks.

- d. Mandatory Pre-Discovery Disclosure. [See also LR 26 for discovery-related rules.] In order to facilitate the implementation of an informed Case Management Plan, and in accordance with Fed.R.Civ.P. 26(f), every party shall, not less than fourteen (14) days prior to the date set for the Case Management Conference, file and serve a pre-discovery disclosure statement, setting forth the information required to be disclosed pursuant to Fed.R.Civ.P. 26(a).
- (1) Methods of Resolving Discovery Disputes. In conducting depositions, all parties should be mindful of the provisions of Fed.R.Civ.P. 26(b)(1), relating to the scope of discovery, and the provisions of Fed.R.Civ.P. 32(b), which allows the parties to reserve many objections until the time of trial. Attention is directed to the provisions of LR 26, which requires counsel to meet and confer before a discovery motion is filed. Notwithstanding any other provision in the Local Rules, at the option of the moving party, discovery disputes that remain unresolved after a good faith effort by counsel to resolve them shall be decided on oral motion, or on the basis of memoranda not to exceed two typewritten, double-spaced pages. The court will act promptly upon a motion so made. Such action may include a ruling upon the motion, or such other orders as may be appropriate, including but not limited to an order requiring the parties to file additional briefs and granting additional time to respond. The moving party is responsible for coordinating the date and time of the hearing with the court and opposing parties. The court will, upon oral or written motion, resolve disputes regarding the date/time of hearing. This local rule is intended to assist in the resolution of minor discovery disputes where the court's informal intervention might assist the parties; it is not intended to replace regular motion practice addressed to significant and substantial discovery disputes.
- e. Case Management Conference ("CMC"); Informed Participation by Counsel for All Parties at Case Management Conference.
1. Order Setting Case Management Conference. Within thirty (30) calendar days after the time for the filing of the last permissible responsive pleading, the court shall issue an order setting a Case Management Conference.



- (a) Telephone Conferencing. Upon request (made at least one full calendar week prior to the hearing date) of any attorney who does not reside on the island of Saipan, or who is temporarily absent from Saipan, the court, in its discretion, may hold by telephone the CMC and other conferences, and any scheduled argument on motions. Telephone conferencing is encouraged when that practice will save the attorneys, parties, or court time and money.
- 2. Case Management Conference Statement; Duty of Parties. Counsel for all parties shall be required to file a written statement no later than five (5) calendar days in advance of the Case Management Conference that specifically addresses all matters critical to the development of a realistic and efficient Case Management Plan and which are specifically set forth below and in Fed.R.Civ.P. 16 (b) and (c):
  - (a) Service of process on parties not yet served;
  - (b) Jurisdiction and venue;
  - (c) Anticipated motions;
  - (d) Appropriateness of special procedures such as consolidation of actions for discovery or pretrial;
  - (e) Modifications of the standard pretrial procedures specified by this Rule on account of the relative simplicity or complexity of the action or proceeding;
  - (f) Settlement prospects; and,
  - (g) Any other matter which may be conducive to the just, efficient and economical determination of the proceeding, including the definition or limitation of issues;
    - (1) Continuances. Unless otherwise ordered, LR 7.1.h governs continuances of status conferences.

3. Representation At Conference by Attorney with Authority to Bind. Pursuant to Fed.R.Civ.P. 16(a), the attorney for a party participating in a Case Management Conference or any other pretrial conference shall have authority to enter into stipulations and to make admissions regarding all matters that the participants may reasonably anticipate may be discussed, including:
- (a) Whether any issue exists concerning venue or jurisdiction over the subject matter or the person;
  - (b) Whether all parties have been properly designated and served;
  - (c) Whether all counsel have filed appearances;
  - (d) Whether any issue exists concerning joinder of parties or claims;
  - (e) Whether any party contemplates adding further parties;
  - (f) The factual bases and legal theories for the claims and the defenses involved in the case;
  - (g) The type and extent of damages being sought;
  - (h) Whether any question exists concerning appointment of a guardian *ad litem*, next friend, administrator, executor, receiver, or trustee;
  - (i) The extent of the discovery undertaken to date;
  - (j) The extent and timing of anticipated future discovery, including, in appropriate cases, a proposed schedule for the taking of depositions, serving of interrogatories and motions to produce, etc.;
  - (k) Identification of anticipated witnesses or persons then known to have pertinent information;
  - (l) Whether any discovery disputes are anticipated;

- (m) The time reasonably expected to be required for completion of all discovery;
  - (n) The existence and prospect of any pretrial motions, including dispositive motions;
  - (o) Whether a trial by jury has been demanded in a timely fashion;
  - (p) Whether it would be useful to separate claims, defenses, or issues for trial or discovery;
  - (q) Whether related actions are pending or contemplated;
  - (r) The estimated time required for trial;
  - (s) Whether special verdicts will be needed at trial and, if so, the issues verdict forms will have to address;
  - (t) A report on settlement prospects, including the prospect of disposition without trial through any process, the status of settlement negotiations, and the advisability of a formal mediation or settlement conference either before or at the completion of discovery;
  - (u) The advisability of court-ordered mediation or early neutral evaluation proceedings, where available; and
  - (v) The advisability of use of a court-appointed expert or master to aid in administration or settlement efforts.
  - (w) Additional Matters by Specific Order. By specific order, the judge also may require participation in a settlement conference, and may require preparation to discuss any other matter that appears to be likely to further the just, speedy, and inexpensive resolution of the case, including notification to the parties of the estimated fees and expenses likely to be incurred if the matter proceeds to trial.
4. Case Management Conference Order. At the conclusion of the Case Management Conference the judge shall immediately enter an order

summarizing the matters discussed and action taken to establish the Case Management Plan. The order will govern further proceedings. Copies of the order shall be served on all parties who have made an appearance.

5. Settlement Conferences; Mandatory Consideration. The court will routinely set a date for a settlement conference; however, any party may also file a request for an additional settlement conference.
  - (a) Mandatory Attendance by Representatives With Full Authority to Effect Settlement. Each party shall be required to attend the settlement conference, either personally or through a representative with full authority to participate in settlement negotiations and to effect a complete compromise of the case.
  - (b) Attendance of Party. The judge may require the attendance or availability of the parties, pursuant to Fed.R.Civ.P. 16©).
  - (c) Judge. The judge may, in his or her discretion, preside over the settlement conference.
6. Additional Pretrial Conferences; Objections Thereto. In addition to the Case Management Conference, and pursuant to Fed.R.Civ.P. 16(a), other pretrial conferences may be held in any proceeding when the judge so orders by issuing a status conference order on the judge's own motion or by any other order issued at the written request of any party. If a party files a request, the party shall serve a copy upon all other parties, who shall have five (5) days from the date of service within which to respond to the request.
7. Pretrial Preparation; Duty of Parties.
  - (a) Unless the judge otherwise orders, not less than fourteen (14) calendar days before the first scheduled trial date each party shall:
    - (1) Serve and file briefs on all significant disputed issues of law, including foreseeable procedural and evidentiary issues, setting forth briefly the party's position and supporting authorities;

- (2) In jury cases, serve and file proposed voir dire questions, jury instructions and forms of verdict;
  - (3) Serve and file statements to be offered at the trial other than for impeachment or rebuttal designating excerpts from depositions (specifying the witness and page/line reference), from interrogatory answers, and from responses to requests for admission;
  - (4) Exchange copies of all exhibits to be offered and all schedules, summaries, diagrams, and charts to be used at trial other than for impeachment or rebuttal. Each proposed exhibit shall be pre-marked for identification in a manner clearly distinguishing plaintiff's exhibits from defendant's exhibits. Upon request, a party shall make the original of any exhibit available for inspection and copying.
- (b) In non-jury cases, the parties may serve and file proposed findings of fact and conclusions of law in addition to the material required by subsection (a) of this Rule. The court may also direct that findings and conclusions be filed.
- (c) Objections to Proposed Testimony and Exhibits. Promptly after receiving statements and exhibits pursuant to the rule above, any party proposing to object to the admission in evidence of any proposed testimony or exhibit shall advise the opposing party of the objection. The parties shall meet and confer in advance of trial with respect to any objections and attempt to resolve them. They shall advise the court of any unresolved objections and make reasonable efforts to present the matters to the court in advance of trial for ruling.
8. Final Pretrial Conference. Pursuant to Fed.R.Civ.P. 16(d), a final pretrial conference shall be held not later than seven (7) days before the scheduled trial date, unless deemed unnecessary by the court and counsel.
- (a) Individuals Attending. Unless excused by the judge, each

unrepresented party shall be present at the final pretrial conference and a party with counsel shall be represented by at least one counsel who will conduct the trial. Counsel shall have full authority from their clients with respect to settlement and shall be prepared to advise the judge as to the prospects of settlement.

9. Final Pretrial Order. The following issues shall be discussed at the final pretrial conference and shall be included in the final pretrial order, which order shall be prepared jointly by the parties for the signature of the judge:
- (a) The firm trial date;
  - (b) Stipulated and uncontroverted facts;
  - (c) List of issues to be tried;
  - (d) Disclosure of all witnesses;
  - (e) Listing and exchange of copies of all exhibits;
  - (f) Pretrial rulings, where possible, on objections to evidence;
  - (g) Disposition of all outstanding motions;
  - (h) Elimination of unnecessary or redundant proof, including limitations on expert witnesses;
  - (i) Itemized statements of all damages by all parties;
  - (j) Bifurcation of the trial;
  - (k) Limits on the length of trial;
  - (l) Jury selection issues;
  - (m) Any issue that in the judge's opinion may facilitate and expedite the trial, for example the feasibility of presenting testimony by

a summary written statement; and,

- (n) The date when proposed jury instructions shall be submitted to the court and opposing counsel, which, unless otherwise ordered, shall be the first day of the trial.

**LR 16.3CJ Trial Date; Presumptive.**

It is the policy of the court to utilize all available judicial resources to allow the court to adhere to an established trial date. An established trial date shall not be vacated unless there exists a compelling reason necessitating a continuance. When the court is unable to convene trial as scheduled the court shall, as soon as practicable, take the following action:

- (a) Determine if another judge would be available to preside over the trial on the date scheduled; or
- (b) Convene a status conference for the purpose of advising counsel and the parties of the necessity to consider vacating the trial date; or
- (c) Establish a new trial date which will not unnecessarily inconvenience either counsel or the parties.

**LR 16.11CJ Alternative Dispute Resolution: Non-Binding Summary Jury Trials.**

- a. Eligible Cases. Any civil case triable to a jury may be assigned for summary jury trial.
- b. Selection of Cases. A case may be selected for summary jury trial:
  - 1. By the court at the Case Management Conference; or
  - 2. At any time:
    - a. By the court on its own motion;
    - b. By the court, on the motion of one of the parties; or
    - c. By stipulation of all parties.

- c. Procedural Considerations. Summary jury trial is a flexible ADR process. The procedures to be followed shall be determined in advance by the judge in light of the circumstances of the case. The following matters will be considered by the judge and counsel in structuring a summary jury trial:
1. Scheduling. Ordinarily a case will be set for summary jury trial when discovery is substantially completed and conventional pretrial negotiations have failed to achieve settlement. In some cases, settlement prospects may be advanced by setting the case for an early summary jury trial. To facilitate an early summary jury trial, limited and expedited discovery shall be obtained to accommodate earlier settlement potential. The summary jury trial will usually precede the trial by approximately sixty (60) days.
  2. Judge. The summary jury trial shall be conducted by the judge to whom the case is assigned or referred.
  3. Submission of Written Materials. Certain materials shall be submitted to the court before the summary jury trial begins. These will usually include a statement of the case, stipulations, exhibits, and proposed jury instructions.
  4. Attendance. Each individual who is a party shall attend the summary jury trial in person. When a party is other than an individual or when a party's interests are being represented by an insurance company, an authorized representative of the party or insurance company, with full authority to settle, shall attend.
  5. Size of Jury Panel. The jury will usually consist of six (6) jurors. To accommodate case concerns, the size of the jury panel may vary. Because the summary jury trial is usually concluded in a day or less, and to provide the court and counsel with additional juror reaction, the judge may choose to use the challenged or unused panel members as a second jury.
  6. Voir Dire. Parties will ordinarily be permitted some limited voir dire. The number of challenges to jurors, if any, will be determined in advance.
  7. Opening Statements. Each party will have an opportunity to make a



brief opening statement to help put the case into perspective. If possible, voir dire and the opening statement will be combined into one procedure, with fifteen (15) minutes allotted for each party.

8. Transcript or Recording. A party may cause a transcript or recording to be made of the proceedings at the party's expense, but no transcript of the proceedings may be submitted in evidence at any subsequent trial unless the evidence would be otherwise admissible under the Federal Rules of Evidence.
9. Case Presentations. As this is not a full trial, it is expected that counsel will present a condensed narrative summary of the entire case, consisting of an amalgamation of an opening statement, evidentiary presentations, and final arguments. In this presentation counsel may present exhibits, or read excerpts from exhibits, reports, and depositions, all of which evidentiary submissions should be subject to the approval of the judge by addressing motions in limine at a reasonable time in advance of the scheduled summary jury trial. This advanced consideration permits the summary jury trial to proceed uninterrupted by objections. Generally, live non-party witnesses will not be permitted, although an exception may be made by the judge. An attorney certifies that offering any such summary of testimony or evidence is based upon a good faith belief and a reasonable investigation that the testimony or evidence would be available and admissible at trial.
10. Jury Instructions. Jury instructions will be given. They will be adapted to reflect the nature of the proceeding.
11. Jury Deliberations. Jury deliberations will be limited in time. Jurors will be encouraged to reach a consensus verdict. If that is not possible, separate verdicts may give the parties a sense of how jurors view the case.
12. Verdict. The jury may issue an advisory opinion regarding liability or damages, or both. Unless the parties agree otherwise, the advisory opinion is not binding and is not appealable.
13. De-Briefing the Jurors. After the verdict, the judge shall initiate and

encourage a discussion of the case by the parties and the jurors.

14. Settlement Negotiations. Within a short time after the summary jury trial, the judge and the parties will meet to see whether the matter can be compromised. A sufficient period between the end of the summary jury trial and the meeting is necessary to allow the parties to evaluate matters, but the judge will exercise care not to allow too much time to elapse.
15. Trial. If the case does not settle as the result of the summary jury trial, it will proceed to trial on the scheduled date.
16. Limitation on Admission of Evidence. The judge shall not admit at a subsequent trial any evidence that there has been a summary jury trial, the nature or amount of any “verdict,” or any other matter concerning the conduct of the summary jury trial or negotiations related to it, unless:
  - a. The evidence would otherwise be admissible under the Federal Rules of Evidence; or
  - b. The parties have otherwise stipulated.

## IV. Parties

### **LR 17.1 - Infants and Incompetent Persons.**

- a. Guardians Ad Litem. The judge shall have broad discretion to appoint a guardian ad litem. See Fed.R.Civ.P. 17.
  1. Appointment Procedure. Guardians ad litem may be appointed ex parte, at any time upon the presentation to the judge of a sworn petition showing good cause for the appointment. An appointment order shall be filed with the petition.
  2. Person Ineligible to be a Guardian Ad Litem. Except in the discretion of the judge, no person shall be appointed guardian ad litem if the person has an interest adverse to that of the minor or incompetent, or if the person is connected in business with an adverse party or with the attorney of the adverse party; or if the person has insufficient pecuniary ability to answer to the minor or incompetent for any injury which the minor or incompetent may sustain as a result of the person's negligence or misconduct.
  3. Bond of Guardian Ad Litem. Ordinarily, no bond shall be necessary from a guardian ad litem; provided, that no guardian shall receive any money or other property of the minor or incompetent until the guardian has filed with the clerk a bond in an amount fixed by the judge, conditioned for the faithful performance of the guardian's duties. If the guardian does not desire to receive any money or property of the minor or incompetent, the money or property shall be paid or delivered to the clerk or to a person directed by the court. Under these circumstance, the payment or delivery of the money or property to the clerk shall have the same effect as if the money or property had been paid or delivered to the guardian.
  4. Order of Judgment Required. No action by or on behalf of a minor or incompetent shall be dismissed, discontinued, or terminated without the court's approval. When required by Commonwealth law, court approval shall also be obtained from the appropriate Commonwealth

court having jurisdiction over the matter for any settlement or other disposition of litigation involving a minor or incompetent.

**LR 23.1 - Designation of “Class” in the Caption.**

In any case sought to be maintained as a class action, the complaint or other pleading asserting a class action shall include next to its caption, the legend “Class Action.”

**LR 24.1 - Procedure for Notification of Any Claim of Unconstitutionality.**

- a. In any action, suit, or proceeding in which the United States or any agency, officer, or employee thereof is not a party and in which the constitutionality of an Act of Congress affecting the public interest is drawn in question, or in any action, suit, or proceeding in which the Commonwealth or any agency, officer, or employee thereof is not a party, and in which the constitutionality of any statute of the Commonwealth affecting the public interest is drawn in question, the party raising the constitutional issue shall notify the court of the existence of the question either by checking the appropriate box on the Civil Cover Sheet or by stating on the pleading that alleges the unconstitutionality, immediately following the title of that pleading, “Claim of Unconstitutionality,” or the equivalent.
- b. Failure to comply with this rule will not be grounds for waiving the constitutional issue or for waiving any other rights the party may have. Any notice provided under this rule, or lack of notice, will not serve as a substitute for, or as a waiver of, any pleading requirement set forth in the Federal Rules or statutes. See 28 U.S.C. § 2403 for complete text.

## V. **Depositions and Discovery**

**NOTE:** Discovery practice is now governed in large measure by Fed.R.Civ.P. 26(a) and LR 16.2CJ, supra. The following local rules apply generally; in case of a conflict the federal rule controls.

### **LR 26.1 - General Requirements.**

- a. Lawyers shall make reasonable efforts to conduct all discovery by agreement.
- b. A lawyer shall not use any form of discovery, or the scheduling of discovery, as a means of harassing opposing counsel or his or her client.
- c. Requests for production shall not be excessive or designed solely to place a burden on the opposing party.

### **LR 26.2 - Scheduling Discovery.**

- a. Lawyers shall, when practical, consult with opposing counsel before scheduling hearings and depositions, in a good faith attempt to avoid scheduling conflicts.
- b. When scheduling hearings and depositions, lawyers shall communicate with opposing counsel in an attempt to schedule them at a mutually agreeable time. This practice will avoid unnecessary delays, expense to clients, and undue stress to lawyers and their secretaries in the management of their calendars and practice.
- c. If a request is made to clear time for a hearing or deposition, the lawyer to whom the request is made shall confirm that the time is available or advise of a conflict within a reasonable time (preferably the same business day, but in any event before the end of the following business day).
- d. Conflicts shall be indicated only when they actually exist and the requested time is not available.

### **LR 26.3 - Exceptions.**

- a. A lawyer who has attempted to comply with this Rule is justified in setting a hearing or deposition without agreement from opposing counsel if opposing counsel fails or refuses promptly to accept or reject a time offered for hearing or deposition.
- b. If opposing counsel raises an unreasonable number of calendar conflicts, a lawyer is justified in setting a hearing or deposition without agreement from opposing counsel.
- c. If opposing counsel has consistently failed to comply with this guideline, a lawyer is justified in setting a hearing or deposition without agreement from opposing counsel.
- d. In cases involving extraordinary remedies where time associated with scheduling agreements could cause damage or harm to a client's case, a lawyer is justified in setting a hearing or deposition without agreement from opposing counsel.

### **LR 26.4 - Abuse of or Failure to Make Discovery; Sanctions.**

- a. Meet and Confer Requirement. The court will entertain no motion under Federal Rules of Civil Procedure 26 through 37 unless counsel have previously met and conferred concerning all disputed issues. If counsel for the moving party seeks to arrange a conference and counsel for the party against whom the motion is made refuses or fails to meet and confer, the court may order the payment of reasonable expenses, including attorney fees, pursuant to Fed.R.Civ.P. 37(a)(4) and LR 1.3.
- b. Certificate of Compliance. When filing any motion under Federal Rules of Civil Procedure 26 through 37, counsel for the moving party shall certify compliance with this Rule.

### **LR 26.6 - Time Deadlines and Extensions for Discovery.**

Reasonable extensions of time should be granted to opposing counsel where such extension will not have a material, adverse effect on the rights of the client. Traditionally, members of this bar association have readily granted any reasonable

request for an extension of time as an accommodation to opposing counsel who, because of a busy trial schedule, personal emergency, or heavy work load, needs additional time to prepare a response or comply with a legal requirement. This tradition should continue; provided, however, that no lawyer should request an extension of time solely for the purpose of delay or to obtain any unfair advantage. Counsel should make every effort to honor previously scheduled off-island trips of opposing counsel when such dates have been established in good faith.

**LR 26.13 - Filing of Discovery Materials.**

Whether or not discovery materials shall be filed will be determined on a case-by-case basis, and addressed in the court's case scheduling order.

**LR 30.1 - Minimum Notice for Depositions and Hearings.**

- a. Depositions and hearings shall not be set with less than one week's notice except by agreement of counsel or when a genuine need or emergency exists.
- b. If opposing counsel makes a reasonable request which does not prejudice the rights of the client, compliance herewith is appropriate without motions, briefs, hearings, orders, or other formalities and without attempting to extract unrelated or unreasonable consideration.

**LR 30.2 - Canceling Depositions, Hearings, and Other Discovery Matters.**

Notice of cancellation of depositions and hearings shall be given to opposing counsel at the earliest possible time.

**LR 33.1 - Interrogatories - Form.**

The interrogatories shall be so arranged that after each separate question shall appear a blank space reasonably calculated to enable the answering party to type in the answer. The answering party shall verify his or her answers to said interrogatories immediately following the answer to the last interrogatory so propounded.

## **VI.**

### **Trials**

#### **LR 41.1 - Dismissal of Actions.**

In addition to dismissals pursuant to Fed.R.Civ.P. 41, if a proceeding has been pending for more than six (6) months without any action taken by the parties during that period, upon notice to the parties the court may dismiss the proceeding for lack of prosecution. The court may order dismissal at any calendar call. The dismissal shall be without prejudice.



## **VII.**

### **Judgment**

#### **LR 54.2 - Jury Cost Assessment; Settlement Immediately Prior to Trial.**

Pursuant to the court's authority under 28 U.S.C. § 2071 and Fed.R.Civ.P. 83, whenever any civil action scheduled for jury trial is settled or otherwise disposed of in advance of the date set for trial, then, except for good cause shown, juror costs, including marshal's fees, mileage, air fare, per diem, and other related costs shall be assessed equally against the parties or otherwise assessed as directed by the court, unless the Clerk's office has been notified in writing at least ten full business days prior to the day on which the action is scheduled for trial, in time to advise the jurors that it will not be necessary for them to attend. Failure to notify the Clerk's office may subject counsel, in addition to the costs set forth above, to such sanctions as may be deemed appropriate by the court under the circumstances.

#### **LR 62.1 - Supersedeas Bonds.**

- a. Nonresidents. Every nonresident filing a complaint shall within ten (10) calendar days after demand of an adverse party file with the complaint a bond for costs in the sum of \$500 unless for good cause, on motion (which may be made ex parte), the court dispenses with the bond or fixes a different amount. The bond shall have sufficient surety and shall be conditioned to secure the payment of all costs of the action which the party ultimately may be required to pay to any other party. After the bond is filed, any opposing party may raise objections to its form or to the sufficiency of the surety for determination by the clerk. If the bond is found to be insufficient, the court may order the filing of a sufficient bond within a specified time. If the order is not complied with, the clerk shall enter dismissal of the action as in a case of dismissal for want of prosecution.
- b. Other Parties. On its own motion or a party's motion, the court may order any party to file a bond for costs in an amount and under conditions designated by the court.
- c. Qualifications of Surety. Every bond for costs under these Rules must have as surety either (1) a cash deposit equal to the amount of the bond or (2) a corporation authorized by the Secretary of the Treasury of the United States

to act as surety on official bonds under the Act of August 13, 1984 (28 Stat. 279), as amended, 6 U.S.C. §§1-13, or (3) two individual residents of the Northern Mariana Islands, each of whom owns real or personal property within the Northern Mariana Islands sufficient in value above encumbrances to justify the full amount of the suretyship, or (4) any insurance, surety, or bonding company licensed to do business in the Northern Mariana Islands.

- d. Suits by Indigent Persons. At the time application is made, under laws allowing indigent persons leave to commence civil proceedings without pre-paying fees and costs or giving security for them, the applicant shall file a written consent that any recovery in the proceeding shall, as the court may direct, be paid to the clerk, who may pay unpaid fees and costs taxed against the plaintiff and, to plaintiff's attorney, the amount which the court allows or approves as compensation for the attorney's services.

## VIII.

### **Provisional and Final Remedies and Special Proceedings**

#### **LR 66.1 - Receiverships.**

- a. Appointment of Receivers. Application for the appointment of a receiver may be made after the complaint has been filed and the summons issued.
  1. Emergency Receivers. An emergency receiver may be appointed without notice to the party sought to be subjected to a receivership in accordance with the requirements and limitations of the Fed.R.Civ.P. 66. As soon thereafter as may be practicable, the party who obtained the emergency receivership shall seek appointment of a permanent receiver.
  2. Permanent Receivers. A permanent receiver may be appointed after notice and hearing upon an order to show cause. This order shall be issued by a judge upon appointment of a temporary receiver or upon application of the plaintiff and shall be served on all parties. The defendant shall provide to the temporary receiver (or, if there is no temporary receiver, the plaintiff) within five (5) calendar days after being served with the order a list of defendant's creditors and their addresses. Not less than five (5) calendar days before the hearing, the temporary receiver (or, if none, the plaintiff) shall mail to the creditors listed a notice of hearing, and file proof of mailing.
  3. Bond. A judge may require any receiver appointed to furnish a bond in an amount which the judge deems reasonable.
- b. Employment of Experts. The receiver shall not employ an attorney, accountant, or investigator without an order of a judge. The compensation of all such persons shall be fixed by the judge.
- c. Application for Receiver's Fees. An application for receiver's fees shall be made by a petition setting forth in reasonable detail the nature of the services rendered. Proceedings on fee applications shall be heard in open court, unless all parties waive their appearance in writing.

- d. Deposit of Funds. A receiver shall deposit all funds received in a depository designated by the judge, entitling the account with the name and number of the action. At the end of each month, the receiver shall deliver to the clerk a statement of account and the canceled checks.
- e. Reports by Receiver. Within thirty (30) calendar days of appointment, a permanent receiver shall file with the court a verified report and petition for instructions. The petition shall be heard on ten (10) calendar days' notice to all known creditors and parties. The report shall contain a summary of the operations of the receiver, an inventory of the assets and their appraised value, a schedule of all receipts and disbursements, and a list of all creditors, their addresses, and the amount of their claims. The petition shall contain the receiver's recommendation as to the continuance of the receivership and reason for the recommendations. At the hearing, the judge shall determine whether the receivership shall be continued and, if so, the judge shall fix the time for future reports of the receiver.
- f. Notice of Hearings. The receiver shall give all interested parties at least ten (10) calendar days' notice of the time and place of hearings concerning:
  - 1) Petitions for the payment of dividends to creditors;
  - 2) Petitions for confirmation of sales of property;
  - 3) Reports of the receiver;
  - 4) Applications for fees of the receiver or of any attorney, accountant or investigator, with a statement of services performed and the fee sought; and,
  - 5) Applications for discharge of the receiver.

## **X.**

### **District Courts and Clerks**

#### **LR 77.1 - Location and Hours of Court.**

The Office of the Clerk of Court is located on the Second Floor of the Horiguchi Building, Beach Road, Garapan, Saipan. The mailing address is Post Office Box 500687, Saipan, MP 96950. The telephone number is (670) 236-2994; the facsimile number is (670) 236-2910. The Chambers telephone number is (670) 236-2900; the chambers facsimile is (670) 236-2911.

The regular hours shall be from 8:00 a.m. to 11:30 a.m. and 12:30 p.m. to 3:30 p.m. each day except Saturdays, Sundays, legal holidays and other days or times ordered by the court. Nothing in this Rule precludes the filing of papers as provided in Fed.R.Civ.P. 77.

#### **LR 77.4 - Sessions of the Court.**

The court shall be in continuous session on the island of Saipan, U.S. Commonwealth of the Northern Mariana Islands. The court may order sessions to be held at places within the Commonwealth other than Saipan.

#### **LR 77.6 - Court Library.**

The Chief Judge's chambers library is primarily for the use of judges and court personnel. Attorneys and pro se litigants may use the library in accordance with such rules and regulations as may be adopted by the court. No books or other research materials may be removed from the law library.

#### **LR 77.7 - Ex Parte Communication With Judges.**

The court will not receive letters or other communications from counsel which do not indicate on their face that copies have been sent to opposing counsel. Ex parte applications for orders, either by mail, by telephone, or in person, will not be granted unless it is indicated that counsel has made reasonable attempts to notify the adverse party or explains why such attempts could not be made.

**LR 79.1 - Custody of Files and Exhibits.**

- a. Delivery to Person Entitled. In all cases in which final judgment has been entered and time has expired for filing a motion for new trial, a motion for rehearing, or a notice of appeal, upon ten (10) calendar days' written notice to all parties, any party or person may without court order withdraw any exhibit or deposition which the party or person originally produced unless, within ten (10) calendar days after the written notice required by this subsection, another party or person files a competing notice of claim. The court shall determine the person entitled and order delivery accordingly. For good cause, the court may allow withdrawal or determine competing claims in advance of the time specified in subsection b. of this Rule.
- b. Unclaimed Exhibits. If exhibits and depositions are not withdrawn within forty (40) calendar days after the time when notice may first be given under subdivision a. of this Rule, the clerk may destroy them or make other disposition as the clerk sees fit.

## XI.

### **General Provisions; Admission to Bar; Standards of Professional Conduct; Communications to Court from Counsel; Appearances, Withdrawal, and Substitution of Counsel**

#### **LR 83.1 - Local Rulemaking.**

These Rules have been promulgated pursuant to the authority granted the court by 28 U.S.C. § 2071.

#### **LR 83.2 - Free Press - Fair Trial Proceedings - Cameras in the Courtroom - Broadcasting, Television, Recording or Photographing Judicial and Grand Jury Proceedings.**

In accordance with General Order 95-0002 (Mar. 8, 1995), it is prohibited to make contemporaneous broadcasts of proceedings from the courtroom or other court facilities. “Courtroom and other court facilities” shall include the courtroom, the grand jury room, and the 1st and 2nd floors of the Horiguchi Building. No electronic audio or video recording devices are permitted in or around the areas delineated above. Any person found in violation of the Rule may be arrested and charged with contempt of the court’s order and punished accordingly.

Court personnel, including but not limited to marshals, clerks and deputies, law clerks, messengers, interpreters and court reporters, shall not disclose to any person information relating to any pending proceeding that is not part of the public records of the court, without specific authorization by the court.

#### **LR 83.3 - Practice in this Court; Dress Code.**

Except as otherwise provided by these Rules, only members of this court’s bar or an attorney otherwise authorized by these Rules to practice before this court may appear for a party, sign stipulations, receive payment or enter satisfaction of a judgment, decree or order. Nothing in these Rules shall prohibit an individual from appearing in propria persona.

All attorneys appearing in open court shall be suitably dressed. Minimum acceptable

dress for male practitioners shall consist of a dress shirt, necktie, dress slacks, socks and shoes. Minimum acceptable dress for female practitioners shall consist of a dress, slacks, or skirt and blouse and shoes. The court may refuse to hear attorneys whose appearance does not conform to this Rule.

**LR 83.5 - Admission to this Court's Bar.**

- a. Admission to Practice. Admission to and continued membership in this court's bar is limited to attorneys of good moral character who are active members in good standing of the Commonwealth Supreme Court Bar or, if admitted pro Hac vice, of any United States Court or the highest court of any State, Territory, or Commonwealth of the United States.
- b. Procedure for Admission.
  1. Each applicant for admission to this court's bar shall file with the clerk a verified petition for admission, stating the applicant's full name, residence address, office address, the applicant's law school and date of graduation, the names of all courts before which the applicant is admitted to practice, and the respective dates of admission to those courts. An applicant must be a member in good standing of the Commonwealth Supreme Court Bar and all other bars of which he or she is a member. The applicant shall also make a payment of \$100 to the clerk of court, by cash or check. If by check, the check shall be made payable to "Clerk, District Court, NMI."

If the clerk finds that the petition for admission complies with these requirements, the clerk or an authorized deputy shall administer the oath of admission to the applicant and shall issue to the applicant a certificate of admission. The clerk shall refer to the judge for further instructions any petition about which the clerk has any question.

The oath of admission shall be as follows:

I solemnly swear (or affirm) that I will support the Constitution and laws of the United States; that I will bear true allegiance to the United States; that I will maintain due respect for United States Courts and Judicial Officers; and that I will conduct myself conscientiously as an attorney of this Court.



2. Any attorney so admitted and any attorney previously admitted who would now be eligible for admission under subsection a. of this Rule shall be deemed to be a local member of this court's bar while residing in and having an office in the Northern Mariana Islands.
  3. Any attorney admitted to practice before this court, but who does not reside in and have a full-time, staffed office in the Northern Mariana Islands, may practice only by associating local counsel as required by subsection f. of this Rule, unless the requirement is waived for good cause shown.
- c. Attorneys for the United States and the Commonwealth. Any attorney who is a member in good standing of the bar of the highest court of any state and who is employed by the United States, the Commonwealth government, the Office of the Public Defender, Northern Mariana Islands Protection and Advocacy Systems, Inc., or Micronesian Legal Services Corporation shall be eligible to practice before this court while so employed. Every attorney allowed to appear in this court under this subsection shall comply with the requirements of subsection b.1., above, except that no fee need be paid and the petition shall be for temporary admission, only.
- d. Pro Hac Vice. Upon written application approved in the judge's discretion, an attorney who is a member in good standing of the bar of any United States court or of the highest court of any State, Territory, or Commonwealth of the United States, who is of good moral character, and who has been retained to appear in this court, may appear and participate in a particular case subject to the conditions of this Rule. Unless otherwise authorized by the United States Constitution or Acts of Congress, an attorney is ineligible to practice under this section if: (i) the attorney resides in the Northern Mariana Islands; or (ii) the attorney is regularly employed in the Northern Mariana Islands, except by the CNMI government; or (iii) the attorney regularly engages in business, professional, or other activities in the Northern Mariana Islands.

The pro hac vice application shall be presented to the clerk and shall state under penalty of perjury: (i) the attorney's residence and office address; (ii) the attorney's law school and date of graduation; (iii) by what court(s) the attorney has been admitted to practice and the date(s) of admission; (iv) that the attorney is in good standing and eligible to practice in all court(s) to which the attorney has been admitted; (v) that the attorney is not currently

suspended or disbarred in any court; and (vi) if the attorney has concurrently or within the year preceding the current application made any pro hac vice application in this court, the attorney must state the title and the number of each matter wherein the attorney made application, the date of application, and whether or not the application was granted. The attorney shall also designate in the application a member of this court's bar with whom the court and opposing counsel may readily communicate regarding the conduct of the case and upon whom papers may be served. The pro hac vice applicant shall file with the application the address, telephone number, and a written consent from the attorney's local attorney designee. See also f., infra.

The pro hac vice application shall also be accompanied by payment of \$100 to the clerk of court, by cash or check. If by check, the check shall be made payable to "Clerk, District Court, NMI." If the pro hac vice application is denied, the court may refund any or all of the assessment paid by the attorney. If the application is granted, the attorney is subject to the court's jurisdiction with respect to the attorney's conduct to the same extent as a member of this court's bar.

- e. Notice of Change of Status. An attorney who is a member of this court's bar or who practices in this court under subsection d. of this Rule shall promptly notify the court of any change or potential for a change in his or her status in another jurisdiction which could make the attorney ineligible either for membership in this court's bar or to practice in this court under subsection d. of this Rule. See, also, Disciplinary Rules.
- f. Designation of Local Counsel. Due to the great distances between this district and all other districts except the District of Guam, and due further to the time and date differences between the mainland United States, Hawaii, and the Northern Mariana Islands, an attorney who is not a member of this court's bar and who is applying to practice before this court under subsections b.3 or d. of this Rule shall associate as co-counsel an attorney with a local office who is an active member in good standing of this court's bar. The associated local counsel shall at all times meaningfully participate in the preparation and trial of the case with the full authority and responsibility to act as attorney of record for all purposes. Any document required or authorized to be served on counsel by the Federal Rules of Civil or Criminal Procedure, or by these Rules, may be served upon the associated local counsel and such service will be as effective as if served on the off-island counsel.

Service upon associated local counsel shall be deemed proper and effective service unless excused by the judge. Local counsel shall attend all proceedings related to the case for which counsel is associated.

g. Appearances, Withdrawal, and Substitution of Counsel.

1. Appearances. Unless the court orders otherwise, a party who has appeared through counsel in a proceeding may not thereafter appear or act in his or her own behalf in the proceeding unless the court first enters an order of substitution after notice to the party's attorney and to all other parties. The court may in its discretion hear a party in open court notwithstanding the fact that the party has appeared or is represented by an attorney.
2. Persons Appearing Without An Attorney (In Propria Persona). Any person representing himself or herself without an attorney must appear personally for such purpose and may not delegate that duty to any other person, including a spouse. Any person so representing himself or herself is bound by these Rules of court, and by the Federal Rules of Civil and Criminal Procedure. Failure to comply may be ground for dismissal or judgment by default.
3. Substitutions. When counsel for any party ceases to act for the party, the party shall appear personally or appoint another attorney either: (a) by a written substitution of attorney signed by the party, the attorney ceasing to act, and the newly-appointed attorney; or (b) by a written designation filed with the clerk and served upon the attorney ceasing to act unless counsel of record is deceased, in which event the designation of new counsel shall so state. The authority and responsibility of counsel of record shall continue for other purposes, until the court approves the substitution.
4. Withdrawal from Case. An attorney may withdraw from a civil or criminal case only after order of the court upon motion and for good cause shown, and after serving notice upon his or her client and opposing counsel.

**LR 83.6 - Discipline; Sanctions for Unauthorized Practice.**

- a. Discipline. Disciplinary matters shall be conducted in accordance with the Disciplinary Rules of this court.
- b. Prohibition of Unauthorized Practice. A person shall neither exercise the privileges of a member of this court's bar nor otherwise represent entitlement to exercise those privileges if that person:
  - 1. is not admitted to this court's bar; or
  - 2. has not obtained leave of court to appear in a proceeding; or
  - 3. is disbarred or suspended from practice before this court.
- c. Sanctions. A person who violates subsection b. of this Rule may be held in contempt of court and appropriately sanctioned.

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